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EXAMINER

LE, KHANH H

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/327,107

Applicant(s)

LANG, BROOK

Examiner

Khanh H. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7,14,16,17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4,7, 14, 16, 17,19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Final Action

1. This Office Action is responsive to the Amendment mailed 6/27/03 (paper 15).

It is noted that Applicants submit the clean version of claims submitted September 25, 2002 (our Amendment #C) which was not correctly submitted in the September 25, 2002 correspondence. In addition, Applicants submit marked-up claims considered our Amendment D (paper 15).

Remarks

2. Several errors are noted:

At page 1 of the Amendment it was stated claims 1, 3-4,7, 13, 14, 16, 17,19 remain pending . However the marked up version shows claim 13 as cancelled.

At page 1 of the Amendment it was stated claims 1, 3-4, 7, 16, 17, 19 are amended. However, as compared to Amendment C (dated 9/25/02) only claims7, 14, 17, 19 are currently amended and among those only claims 7 and 14 are correctly so labeled.

According to the latest procedures on Amendments, it is thus considered that:

All previous versions of claims in the application are replaced by the current amendment.

Claim 13 is cancelled.

Claims 1, 3-4,16, are considered “previously presented” and should have been labeled “previously presented” with the text of the claims without markings.

Claims 7, 14, 17, 19 are currently amended. Claims 17, 19 should have been labeled “currently amended”. The markings on these claims are correct.

Thus claims 1, 3-4,7, 14, 16, 17,19 remain pending and herein examined. Applicants’ agreement with the status of the claims is requested.

Should another amendment be presented, markings should be made in relation to the claims as lastly presented.

Claim Rejections - 35 USC § 112(2)

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14. The previous lack of antecedent basis rejection is withdrawn.

4. Claims 7 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7. The lack of antecedent basis rejection is withdrawn. However “Step d) c)” needs correction.

Claim 19. Contains several typographical errors rendering the claim unclear. For prior art application, it is interpreted “wherein in step e, said user **file** includes personal data of a user of said electronic **device**” is meant.

Response to Remarks.

5. Applicants’ arguments have been carefully reviewed but deemed unpersuasive. Delorme discloses all the claimed features as stated in the last Office Action. The cited excerpts clearly show anticipation of the relevant claims.

Applicants’ main argument regarding step c) is that a request for information from the user is not needed in Applicant’s method since the electronic device is constantly connected to the wide area network” (reply at page 5, 1.16-22). The Examiner notes that claim 1 uses the transitional term “comprising”.

“ The transitional term “comprising”, ... is inclusive or open-ended and does not exclude additional, unrecited elements or method steps.”

See MPEP 2111.03. Thus Claim 1 does not preclude a request for information from the user. The argument at the reply at page 5, 1.16-22 further mentions features, e.g. “ the device is constantly connected” , “automatically transmitted to the user ...when connected... and traveling through a monitored area” that are not claimed, therefore is unpersuasive.

Applicants further argue that “network connection activity information” is defined in the Specifications as websites or files visited by the user over the wide area network. (Reply p. 5 line 23 to p. 6 l. 6). The Examiner has reviewed all the Specifications and disagrees that “network connection activity information” is anywhere specifically defined. The websites or files visited by the user over the wide area network mentioned in the Specifications do not amount to such a specific definition.

Absent a specific definition, “although claims are interpreted in light of the specification, limitations from the specification are not read into the claims.” In re Van Geuns, 26 USPQ2d 1057 (CA FC 1993).

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“During patent examination, the pending claims must be given the broadest reasonable interpretation consistent with the specification. *Reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is quite different from reading limitations of the specification into a claim, to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim*” . In re Prater, 162 USPQ 541 (CCPA 1969).

Thus the previous rejections stand. The following is a repeat of the last Office Action with some supplemental information in bold.

Claim Rejections. 35 USC 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1, 3, 4, 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Delorme et al, US 5948040, hereinafter Delorme.

Delorme discloses customized travel information including commercial information (interpreted as including ads) to GPS wireless user via Internet and other networks.

Thus Delorme discloses steps a-g of claim 1.

(Monitored user activities in Delorme include monitored requests for information and/or user websites activities (see claim 7). Creating user files is impliedly first done at initial registration, selecting advertisements is selecting appropriate "special offers" based on User ID, location, preferences (see excerpts))

Claim 1. (Amended) A method of marketing to a user of an electronic device connected via a wireless connection to a computer wide area network, comprising the following steps:

a. selecting an electronic device connected to said computer wide area network (**col 7 l. 66+**) ;

b. selecting a server connected to said computer wide area network (**col 7 l. 66+**) ;

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;
 ... "in order to accomplish these results, the present invention provides TRIPS for use with a digital computer device, a digital computer display, if desired, and a computer link. **The computer link may be through the Internet or directly to a TRIPS online facility.**

c. determining the physical location of said electronic device when connected to said computer wide area network (**see at least col 7 l. 60-col 72 l. 19**) ;

*FIG. 9 illustrates an important alternative or additional embodiment of TRIPS--that permits mobile users 901, at remote locations (for example, en route in vehicles or on foot), two-way access by wireless communications 903 to engage the novel travel reservation information planning system of one or more TRIPS 904 communications facilities or service bureaus. FIG. 9 includes a wireless communication unit or WCU 907, typically hand-held 906 or mounted or used in a vehicle 905 like an automobile. The WCU 907 preferably includes a position sensor unit, e.g., **GPS sensor 908**, which provides data on the user's location, speed and travel direction and the current time--for example, by signals 909 from one or more global positioning satellites 910. The portable or mobile WCU 907 also preferably includes various simplified user INPUT means 914, 916, 918 and 920 designed for easy use while actually traveling or en route e.g. in a vehicle 905 or walking about 906; similarly simplified user OUTPUT means are shown at 925, 927, 929 and 931. TRIPS WCUs 907 facilitate two way communications at 903 of standard TRIPS data packets 939 with at least one TRIPS travel information and service provider 904. In sum, FIG. 9 outlines embodiments of the TRIPS invention enabling users to get travel information and/or make travel arrangements "on the go", walking in a city, from their vehicle, during an off-road expedition and so forth.*

d. determining the network identity information and the network connection activity information of said electronic device when connected to said computer wide area network (see at least col 74 l. 30-38; col 74 l. 45-col 75 l. 32);

e. creating a user file containing said network identity information of said electronic device, physical location information of said electronic device, and said network connection [activities] activity information of said electronic device when connected to said computer wide area network; **(creation of such user file is implied in Delorme in order to be able to use the 3 data, ID, location and network connection activity to return customized information)**
 (see at least col 74 l. 30-38)

ID: or purposes of such two-way transmissions, the "I.D." portion of the standard TRIPS data packet 939 includes a "device I.D." or a "sender-type" identification code which, for example, enables the TRIPS provider system 904

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to recognize when it has just received an inquiry from a remote TRIPS WCU at 906. The ACCOUNTING DATA portion of TRIPS data packet 939 from the remote WCU 906 also contains data on the identity and wireless "return address" of the remote TRIPS user.

(see at least col 74 l. 45-col 75 l. 32)

*t 904 in FIG. 9, a TRIPS signal or transmission that is **identified as coming from a remote TRIPS compatible WCU 907** gets further processed at the TRIPS service bureau 904 by prescribed or largely automated sequences of characteristic TRIPS steps or operations specially designed to deal with such remote queries. Preferably, the first chore for such automated processing is to validate individual user ACCOUNTING DATA routinely included with such transmissions. By so identifying the individual remote user whose WCU 907 is sending a given transmission, the TRIPS service provider 904 can access the individual user account, user profile and "pre-filed" travel plan output (if any). These preliminary operations in the Accounting Subsystem determine that the TRIPS user is registered, initiate billing and other TRIPS transaction tracking procedures, and make available stored information about the user's identity, preferences and specific travel plan if one was submitted in advance. In handling input from a remote user, preferably, the second task performed more or less automatically at 904 is to determine the topic of interest of the remote user input (e.g., the reservations, emergencies, goods/services, or directions). In effect, the TRIPS Topical Subsystem is programmed to recognize whether a remote user has pushed the RESCUE 916, ROUTING 918, or the RESERVATIONS 920 "button" and/or some equivalent simplified and dedicated input means on his/her WCU 907; the recognition of the topic, purpose or substance of a remote TRIPS user's inquiry (this inquiry is interpreted as " network connection activity) triggers appropriate processing and response on the part of the TRIPS provider 904. Thirdly, data packets 939 received from remote WCUs 906 preferably get parsed for GEOGRAPHIC DATA by the TRIPS service provider at 904; more specifically, the Geographic Subsystem is programmed to retrieve the remote TRIPS user's "real time" geographic location, speed and travel direction as detected and/or computed by the GPS attachment 908 on the remote WCU 907. Such information on a remote user's current position, course and rate of travel facilitates intelligent processing and responsive output at 904--for example: treating the present or predicted position of the remote user as the departure point or START for routing calculations and travel directions; similarly, treating the remote user's reported location as destination for emergency services; searching for proximate restaurants, lodgings, or other POIs from a combination of a remote user's present location and direction of travel or compass course; in a similar fashion, computing the remote user's distance from and/or estimated arrival time at places or probable destinations "ahead," i.e., along the remote timer's predicted route or travel direction; and so forth. Computing estimated arrival times and searches for timely EOIs*

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are further enabled by the fourth preferably automated step or operation executed at 904 whereby the TRIPS Temporal Subsystem is programmed to capture the time/date of the remote user's inquiry or transmission which is kept by the GPS 908 and/or the digital clock with the CPU 912 of the remote user's WCU 907.

f. selecting advertising material to be sent to said electronic device using said network identity information, said physical location information and said network activity information in said user file; and

g. transmitting said advertising material to said electronic device over said computer wide area network using said network identity information in said user file. (**this latter is implied in Delorme in order to be able to use the 3 data collected, ID, location and network connection activity to return customized information**)

*(Re. marketing and ads, Delorme discloses at col 6 l. 32-35 ...) get information on transportation, lodgings and other accommodations available at the destinations and/or at specified dates/times; 8) make the reservations associated with the travel, the accommodations, and the activities available, plus take advantage of diverse, **special offers for goods/services** from participating third-party providers; 9)...TRIPS further provides for previews of temporal, i.e., scheduled events of interest (EOIs)--as well as **transactionable goods/services coupons or offers**--found in the user-defined geographic area of interest.*

Re targeted information (interpreted as including ads) , Delorme discloses at col 6 l. 55+: *It is therefore an object of the present invention to provide a new Travel Reservation and Information System (TRIPS) that permits a user to **custom-define** and examine a travel route and/or plans based upon answers to the questions noted above. ...At col 4 l. 35+ "For the second problem, a "**customizable**" map or other travel plan output to which the user can attach selected travel information from such previews would be particularly useful..."*

Re access to many database sites, Delorme discloses at col 10 l. 19-33 :... "*in the preferred example, the TRIPS software is composed of a reservation-information-and-planning system linked to one or more travel service provider. The TRIPS user can be provided with communications links for online communication and transfer of reservation data, ticketing data, spatially related data, and software tools for map reading between computers and between users. For example a TRIPS user may communicate with another TRIPS system or user **for transfer of user location data and any other spatially related data.** In addition to a travel service providing reservation and ticketing data, **the TRIPS user can also communicate with external databases, a central communications service bureau, and on-line mapping services for latest***

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information relating to loc/objects, routes, and map modifications, priority messages, etc.

At col 72 l. 62+

For purposes of such

*immediate travel plan inquiries, responses and transactions from remote locations, the TRIPS user 906 is **preferably already registered**, or set up with a TRIPS account; remote TRIPS users' WCUs 907 must be compatible and in electronic communication with one or more TRIPS providers or bureaus 904 which handle topical, geographic, temporal and/or accounting or transactional travel information processing--as disclosed heretofore, particularly relative to FIGS. 2 and 4.*

At col 73 l. 30-35, targeted information/ads are sent:

*"On the road or from other remote places, the TRIPS users at 901 transmit and receive characteristically structured TRIPS data packets 939--that typically concern their immediate needs for travel information or arrangements e.g.: reservations and/or entitlement to a discount **for the next meal at a roadside eating place or lodgings for the night ahead; current information about goods/services available nearby and/or up ahead along the user's intended or predicted route of travel; emergency services requests, such as vehicle repair or towing, ambulance, police or fire; related travel directions; and so forth. The TRIPS service bureau or provider 904 in FIG. 9 receives the simplified input or remote queries, which get processed by series or sequences of TRIPS geographic, temporal, topical and accounting operations--as generally delineated heretofore with particular reference to FIG. 4."***

Claim 3. (Amended) Delorme discloses **at col 72 l. 1-19: A method of marketing, as recited in Claim 1:, wherein the step [(b)] (c) of determining the physical location of said electronic device is accomplished using a global positioning satellite system which provides global coordinate information of said electronic device when connected to said wide area network. is disclosed by Delorme. (The WCU 907 preferably includes a position sensor unit, e.g., GPS sensor 908, which provides data on the user's location, speed and travel direction and the current time--.)**

Claim 4. (Amended) A method of marketing, as recited in Claim 1, wherein said step (c) of determining the physical location of said electronic device is accomplished by a wireless

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modem connected to said electronic device and a wireless telephone network capable of determining the physical location of a wireless modem when connected thereto.

Delorme discloses **at col 14 l. 65+-col 16 l. 13+**

*TRIPS can also work with alternative end-user hardware platforms; e.g., networked work stations; "kiosk" information terminals linked to a central server; portable laptop, notebook, **in-vehicle, or handheld personal digital assistant (PDA) portable computer devices typically equipped with a wireless communications and/or user location**, e.g., **Global Positioning System (GPS) capabilities**. TRIPS can also be provided via "smart Cable TV" interfaces that combine simplified PC functionality, input/output with a mass-market "home" television appliance. Moreover, TRIPS may be implemented on a relatively low-tech PC functioning primarily or solely as an Internet or online travel reservation information and planning system terminal in the user's home or place of work, or even in the user's vehicle or handheld at a remote field location.*

"...According to the process, further steps include linking the digital computer with the database via a modem for remote accessibility...."

Claim 13. Cancelled

Claim 14. Delorme discloses **at col 184 and col 75 l. 33-45**: "A method of marketing, as recited in Claim 1, wherein said step (c) is carried out by a cellular telephone system capable of determining the physical location of a cellular telephone used to connect to said wide area network. (*"smart cell phones*

... FIG. 9 includes a wireless communication unit or WCU 907, typically hand-held 906 or mounted or used in a vehicle 905 like an automobile. The WCU 907 preferably includes a position sensor unit, e.g., GPS sensor 908, which provides data on the user's location, speed and travel direction and the current time--for example, by signals 909 from one or more global positioning satellites 910

"... Various portable devices can perform the functions of the WCU 907--e.g. a notebook or laptop personal computer, a personal digital assistant or PDA, a "smart" cellular phone, two-way pager, an "accessorized" GPS sensor, as well as a dedicated or specially manufactured

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appliance, and so forth--provided that the device includes appropriate embedded and/or attached elements, as described immediately hereinafter.)

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 7, 16-17, 19 are rejected under 35 U.S.C. 103 as being unpatentable over Delorme.

Claim 7. A method of marketing, as reciting in Claim 1, wherein the step (d) of determining the network connection activity information of said electronic device is carried out by determining the existence of "cookies" on said electronic device.

Delorme does not disclose the step of determining the network connection activities of said electronic device is carried out by determining the existence of "cookies" on said electronic device. However, Delorme discloses wireless electronic devices capable of Internet connections and access to websites to retrieve information

*"....Alternatively, all TRIPS functions, data and services can be provided entirely online (i.e. without significant stand-alone software components)--for example, from a central TRIPS service bureau, or by means of a **TRIPS Internet World Wide Web Site**. Such purely online TRIPS embodiments can be implemented utilizing recent advances in distributed applications, "agents" or online "applets" developed in Java, or equivalent computer languages--plus other state-of-the-art software enhancements for online or Internet usage...."*

Applicants have admitted that targeting of ads based on user activities using cookies when connected to the Internet is old. ("As admitted by the Applicant, and as shown in Roth, it is widely known to transmit ads to visitors to a website. Examples of such ads are the annoying "pop up" ads" commonly seen today. The type of ads presented to the user are determined by the presence of "cookies" placed on the user's computer when he or she initially visits the website.", Applicants' Amendment p. 8, first full para.)

Thus one skilled in the arts would have known to combine the known method of targeting by cookies to Delorme's information targeting teachings to take advantage of the well-known convenience of cookies and further improve Delorme's methods.

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Claim 16. A method of marketing, as recited in Claim 1, wherein said step (d) of determining said network identity of said electronic device is accomplished by determining the numerical network address assigned to said electronic device.

17. A method of marketing, as recited in Claim 1, wherein said step d) of determining the network identity information and said network connection activity information from said electronic device is accomplished using client software loaded into said electronic device to transmit said information to said server.

Official Notice had earlier been taken that the steps of identifying (“**determining the network identity information**”) electronic devices when connecting to the Internet by determining the numerical address assigned to said electronic devices by said server (claim 16) or by using client software (such as AOL) to transmit identification information (claim 17) are old. (these Officially Noted facts were presented in last Office Actions and not challenged, therefore taken as admitted.) MPEP 2144.03.

Thus one skilled in the arts at invention time, would have known to use such known techniques to ID a user/device as another way of ID in addition to others specifically mentioned by Delorme for more efficient identification as the particular systems require.

As to “said network connection activity information from said electronic device is accomplished using client software loaded into said electronic device to transmit said information to said server”. Delorme discloses at col 23 l. 64-col 24 l. 25 many input methods including state of the art software systems (col 24 l. 12) to send such “network connection activity information” (input) to the TRIPS system (i.e. including the server). Thus one skilled in the arts would have known to use client software loaded into said electronic device to transmit said information to said server from such Delorme teachings.

Claim 19. Delorme discloses:
A method of marketing, as recited in Claim 1,

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wherein in step e, said user **file** includes personal data of a user of said electronic **device**

(see at least col 74 l. 45-col 75 l. 32

re. user preferences); since the computer system uses this data in addition to the others to send the information/ads , it in effect adds it to the user file).

Conclusion

10. Prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ads targeting:

Roth , WO 98/34189, (august 1998) discloses Internet advertising bidding system whereby the viewers characteristics, are transmitted and targeted ads are delivered . This reference can be used to reject claims 5-7, 13-19.

Angles et al, US 5933811, discloses delivery of customized ads through Internet

Blinn et al., US 5999914, discloses Internet e-promotions by monitoring user activities (user e-shops triggering certain promotions and awards) , suggests systems will work with wireless systems and PDA's .

Wireless devices

Griffith, US 5812953, discloses cell phone ID tracking through the MTSO network (cols. 1 and 2)

Malackowski et al, US 5752186 (5/98) discloses wireless ID of user by access code

Park WO 96/04633, discloses targeted advertising to GPS tracking vehicle

Park WO 97/17774,, discloses selective advertising to GPS tracked vehicle

Mannings et al , WO 96/07110, (also US 6169515) discloses GPS (Fig 1 item 7) based mobile navigation cellular phone system based on user requests for navigation information including commercial places, etc..., continuous tracking of location and providing of information ; ID location; user activity :user requests info, user input destination.

Obradovich et al, US 6133853 teaches a personal communication device with GPS determined user location and supply of information including ads (col 3 l. 25-44) on user requests., network ID, physical location

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Tracy et al, 5979757, discloses wireless shopping device based on consumer activities. This ref. could be used to reject most claims.

Pepe et al, US 5673322, discloses connection of wireless devices to Internet

Hidary, US 5852775 discloses cellular phone advertising system w/ MTSO, cell ID, subscriber profiles, targeted messages

*Smith, US 5717374, discloses method for sending ads to vehicles while coupled to gas filling stations

* submitted by the Applicants as prior art

Bouve et al , US Pat 5682525 teaches a method for obtaining information on a mobile computing environment with the step of providing a list of merchants proximal to the mobile computing environment using GPS receiver. Ads are also provided.

Heron , US 6055478, teaches an integrated vehicle GPS based navigation, communication and entertainment system with Internet access.

Behr et al, US 5543789, discloses remote navigation system with queries and responses

Titmuss et al, WO 98/47295 , discloses a method for guiding a shopper on a mobile computing environment

Titmuss et al, WO 97/37500 , discloses a method for sending a format-compatible signal to an electronic device nearest the user upon tracking the user. (GPS cell phone, p. 8 l. 26-30; , network ID (p. 20 l. 33, p. 21 l. 1-2) at any time is tracked and stored , physical location) p. 8 l. 31-37) .

A.E. Fano, Proceedings of the International Conference on Autonomous Agents, ACMAs for Shopper's Eye: using location-based filtering for a shopping agent in the physical world, by claim 15, "interfa, NY, NY, USA p. 416-421, conference date 05/09-13/1998. This article could be used in view of Hidary to reject some claims.

All other previously cited references.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 703-305-0571. The Examiner works a part-time schedule and can best be reached on Tuesday-Wednesday 9:00-6:00. The examiner can also be reached at the e-mail address: khanh.le2@uspto.gov. (However, Applicants are cautioned that confidentiality of email communications cannot be assured.)

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

October 14, 2003

KHL



ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600